

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHANNI SNYDER,)	CIVIL DIVISION
)	
Plaintiff,)	No: 11-879
v.)	
)	
MICHAEL DAUGHERTY, DAVID)	U.S. District Judge Mark Hornak
BERTOK, ROBERT RIZZO, JAMES)	
NOVAK, GREGORY ARENDAS,)	
ROBERT DIPPOLITO, NICHOLAS)	<i>ELECTRONICALLY FILED</i>
DREISTADT, WILLIAM SOMBO, CARL)	
STEINKOPF, WILLIAM KAUFFMAN,)	
JEFFREY BOULDIN and WILLIAM)	JURY TRIAL DEMANDED
BOULDIN,)	
Defendants.)	

**MOTION FOR LEAVE OF INSURANCE
CARRIER TO APPEAR BY TELEPHONE**

AND NOW, come Defendants, MICHAEL DAUGHERTY, DAVID BERTOK, ROBERT RIZZO, JAMES NOVAK, GREGORY ARENDAS, ROBERT DIPPOLITO, NICHOLAS DREISTADT, WILLIAM SOMBO, CARL STEINKOPF, WILLIAM KAUFFMAN, JEFFREY BOULDIN and WILLIAM BOULDIN, referenced collectively as the ("North Huntingdon Township Defendants") by and through their counsel, Marshall, Dennehey, Warner, Coleman & Goggin, P.C. and, pursuant to instructions by the Court, file Defendants' position with regard to ADR, including Motion for Insurance Carrier representative to Appear by Telephone, averring in support thereof as follows:

1. At the Case Management Conference on April 25, 2013, the Court directed counsel for Defendants to advise as to the form of ADR that Defendants would agree to in light of discussion of the subject at the Conference involving all parties.

2. Defendants agree to participate in an Early Neutral Evaluation, lasting half a day, and to pay the costs of the Neutral, provided Plaintiff contributes \$100 toward this cost as she agreed in Court.

3. Defendants request that Kenneth Benson be utilized as the Neutral.

4. Defendants further request that the Court permit the Township's insurance carrier to appear by telephone.

5. The selection of Nonbinding Arbitration or Early Neutral Evaluation for Defendants is clearly a Hobson's choice in that both proceedings will result in minimal or no cost to Plaintiff and excessive costs to the Defendants.

6. The consideration of cost is all the more significant when the extraordinary expense of this litigation, caused by Plaintiff's vexatious and dilatory conduct, is taken into account,.

7. The participation in any form of ADR by Defendants is purely compulsory in that Defendants have no need of any evaluation nor do Defendants have any intention of agreeing to settle with Plaintiff in any amount of money.

8. For all of the foregoing reasons, Defendants respectfully request that the Court alleviate the requirement of the insurance company representative from having to travel from Farmington, Connecticut to Pittsburgh.

WHEREFORE, Defendants, collectively referred to as the North Huntingdon Township Defendants, respectfully request that the Court enter an Order directing this matter to proceed to Early Neutral Evaluation and that the Township's insurance carrier is permitted to appear for the proceeding by telephone in lieu of appearing in person.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.**

BY: *s/ Paul D. Krepps*
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